

REMARKS/ARGUMENTS

Claims 1-9 are now active in this application. No new matter has been added.

The indication that claims 4 and 8 are allowable, and that claims 2, 3 and 6 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims is acknowledged and appreciated.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102

Claims 1, 5, 7 and 9 are rejected under 35 U.S.C. § 102(b) as being anticipated by McIntyre (USPN 5,917,548).

Anticipation, under 35 U.S.C. § 102, requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference.

Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983).

As disclosed in the present application, when the moving member is brought into the out-of-use/storage position in response to selection of the printing operation, the out-of-use/stored moving member performs no operation during the printing operation. In contrast, in McIntyre, when the display device 38 is moved to the stored position for a printing operation, display device 38 is turned on so as to expose media 224 contained within media cassette 222. Thus, display device 38 performs an operation during the printing operation.

To expedite prosecution, independent claims 1, 5, 7 and 9 are amended to delineate that the out-of-use/stored moving member is configured not to operate during the printing operation, which feature is not found in McIntyre, either expressly described or under principles of inherency.

Thus, amended independent claims 1, 5, 7 and 9, as well as dependent claims 2, 3 and 6, are patentable over McIntyre and their allowance is respectfully solicited.

CONCLUSION

Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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